

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA
:
-v-
:
ISAAK KHAFFIZOV,
:
Defendant.
:
- - - - - x

**SUPERSEDING
INDICTMENT**

S1 10 Cr. 709 (GBD)

COUNT ONE

(Conspiracy To Commit Mail and Wire Fraud)

The Grand Jury charges:

1. From at least in or about April 2008 through in or about June 2009, in the Southern District of New York and elsewhere, ISAAK KHAFFIZOV, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit mail fraud in violation of Title 18, United States Code, Section 1341, and wire fraud in violation of Title 18, United States Code, Section 1343, to wit, KHAFFIZOV participated in a scheme to defraud homeowners through American Home Recovery f/k/a Benjamin Modification Agency ("AHR") by making false promises to induce homeowners to pay up-front fees for mortgage modification assistance.

2. It was a part and an object of the conspiracy that ISAAK KHAFFIZOV, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a

scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, would and did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carriers according to the directions thereon, and at the places at which they were directed to be delivered by the persons to whom they were addressed, such matters and things, in violation of Title 18, United States Code, Section 1341.

3. It was a further part and object of the conspiracy that ISAAK KHAFIZOV, the defendant, and others known and unknown, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing

such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

Overt Acts

4. In furtherance of the conspiracy and to effect its illegal objects, ISAAK KHAFFIZOV, the defendant, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. In or about late 2008, ISAAK KHAFFIZOV made misrepresentations by telephone to a client of AHR in North Carolina.

(Title 18, United States Code, Section 1349.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

5. From at least in or about April 2008 through in or about June 2009, in the Southern District of New York and elsewhere, ISAAK KHAFFIZOV, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, KHAFFIZOV participated in a scheme to defraud homeowners through

AHR by making false promises to induce homeowners to pay up-front fees for mortgage modification assistance, and in the course of executing such scheme, caused numerous interstate telephone calls to be made to victims and numerous interstate electronic mailings to be sent to victims from AHR's office in Manhattan, New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE
(Mail Fraud)

The Grand Jury further charges:

6. From at least in or about April 2008 through in or about June 2009, in the Southern District of New York and elsewhere, ISAAK KHAFFIZOV, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did knowingly cause to be delivered by mail and such carriers, according to the directions thereon, and at the places at which they are directed to be delivered by the persons to whom they are addressed, such

matters and things, to wit, KHAFFIZOV participated in a scheme to defraud homeowners through AHR by making false promises to induce homeowners to pay up-front fees for mortgage modification assistance, and in the course of executing such scheme, sent mailings to victims and caused victims to mail checks and other documents to AHR's office in Manhattan, New York.

(Title 18, United States Code, Sections 1341 and 2.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

7. From at least in or about April 2008 through in or about June 2009, in the Southern District of New York and elsewhere, ISAAK KHAFFIZOV, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, KHAFFIZOV caused false documents to be submitted to mortgage companies in order to induce the companies to provide mortgage modifications to clients of AHR.

(Title 18, United States Code, Sections 1343 and 2.)

FORFEITURE ALLEGATION

8. As the result of committing the mail, wire and bank fraud offenses, in violation of Title 18, United States Code, Section 1349, 1343 and 1341, alleged in Counts One through Four of this Superseding Indictment, ISAAK KHAFIZOV, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(2) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offenses charged in Counts One through Four of this Superseding Indictment.

Substitute Asset Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants,
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;

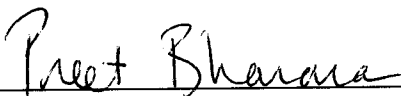
d. has been substantially diminished in value;
or

e. has been commingled with other property which
cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21,
United States Code, Section 853(p), to seek forfeiture of any
other property of the defendant up to the value of the
forfeitable property described above.

(Title 18, United States Code, Sections 981(a)(1)(C) and
982(a)(2); Title 21, United States Code, Section 853(p);
and Title 28, United States Code, Section 2461.)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

ISAAK KHAFIZOV,

Defendant.

SUPERSEDING
INDICTMENT

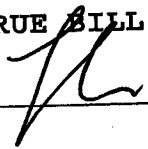
SI 10 Cr. 709 (GBD)

(18 U.S.C. §§ 1349, 1343, 1341 and 2.)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

3/29/12

Fld. Superseding Indictment

Pitman, USMJ.

